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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,206	09/15/2003	Gilbert Neiger	42P14183	2352
7590 04/19/2007 Marina Portnova BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			EXAMINER WILSER, MICHAEL P	
			ART UNIT 2109	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE		DELIVERY MODE
3 MONTHS		04/19/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,206

Applicant(s)

NEIGER ET AL.

Examiner

Michael Wilser

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/21/04, 3/12/04, 11/19/04, & 5/27/05.

DETAILED ACTION

1. This action is in response to the original filing of September 15, 2003.

Claims 1-29 are pending and have been considered below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 204 in Figure 2 and 208 in Figure 2.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 400 on page 15, paragraph 38, line 1.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 26-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 26-29 are drawn to a machine-readable medium, which the applicant has defined in the specification (page 6, line 22 and page 7, lines 1-2) to encompass one of an electrical, optical, acoustical, or propagated transmission signals. The Office considers propagated signals to be a form of energy. Energy is not a series of steps or acts and this is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, a propagated transmission signal does not fall within any of the four categories of invention. Therefore, Claims 26-29 are not statutory.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapin et al. (US 2003/0231328).

Claims 1, 13, 20, and 26: Chapin discloses a method, system, and medium comprising:

- a. a plurality of control devices (page 2, paragraphs 15 & 16);
- b. memory with user information stored in it (page 2, paragraph 20);
- c. processor coupled to the memory (page 2, paragraph 20);
- d. detecting the occurrence of a privileged event (print request) (page 2, paragraph 14);
- e. determining which device (printer) of the plurality of devices is to handle the event (page 1 paragraph 7); and
- f. transitioning control to one of the plurality of devices (page 1, paragraph 7).

However, Chapin does not explicitly disclose that the plurality of devices are virtual machine monitors. However, the method that Chapin does disclose is ran on a real device and therefore could be used to control a virtual device such as a virtual machine monitor. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have the control device in Chapin be a virtual machine monitor. One would have been motivated to have the device be a virtual machine monitor since it would expand on the use of a known method for controlling requests to a real device and use the same steps to control the virtual device.

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Claims 2, 14, 21, and 27: Chapin discloses a method, system, and media as in Claims 1, 13, 20, and 26 above, and further discloses that the plurality of devices (printers) includes a main device and one or more parallel devices (page 1, paragraph 3).

Claims 3, 15, and 22: Chapin discloses a method and system as in Claims 1, 13, and 20 above, and further discloses that determining the device to handle the event further comprises:

- a. determining the type of privileged event (print request) (page 2, paragraph 14); and
- b. identifying one of the plurality of devices (printers) that is designated to handle that type of event (page 2, paragraphs 15 & 18).

Claim 4: Chapin disclose a method as in Claim 1 above, and further discloses that determining which device is to handle the event comprises:

- a. accessing a field associated with the privileged event in a resource (page 2, paragraph 14); and
- b. identifying one of the plurality of devices that can handle the event based on the value in the field (page 2, paragraphs 15 & 18).

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Claim 5: Chapin disclose a method as in Claim 4 above, and further disclose that the field associated with the event is a field associated with the type of event (page 2, paragraphs 15 & 18).

Claim 6: Chapin discloses a method as in Claim 4 above, and further discloses that the field associated with the event is a field associated with the input-output address of the privileged event (print request) (page 2, paragraphs 15 & 18).

Claim 7: Chapin discloses a method as in Claim 4 above, and further discloses that the associated field is either predetermined or dynamically configurable (page 2, paragraphs 15 & 18 & page 3, paragraph 21).

Claims 8, 16, and 23: Chapin discloses a method, system, and medium as in Claims 1, 13, and 20 above, and further discloses that determining the device to handle the event comprises:

- a. evaluating resource usage parameters of the plurality of devices (page 2, paragraph 16); and
- b. identifying one of the devices that is capable of handling the event based on the evaluation of resource parameters (page 2, paragraph 16 & page 3, paragraph 21).

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Claim 9: Chapin discloses a method as in Claim 4 above, and further discloses that the resource resides in one of memory, a processor, a chipset, or an input-output device (page 1, paragraph 13).

Claims 10, 17, 24, and 28: Chapin discloses a method, system, and medium as in Claims 1, 13, 20, and 26 above, and further discloses that the privileged event represents one of an interrupt, an exception, an execution of privileged instruction, or a platform event (page 1, paragraph 8).

Claims 11, 18, and 25: Chapin discloses a method and system as in Claims 1, 13, and 20 above, and further discloses that the event occurs during the operation of guest software (word processor) (page 3, paragraph 24).

Claims 12 and 19: Chapin discloses a method and system as in Claims 1 and 13 above, and further discloses that the privileged event occurs during operation of one of the plurality of devices (page 2, paragraphs 14-16).


Claim 29: Chapin discloses a medium as in Claim 26 above, and further discloses that the privileged event happens during operation of guest software (word processor) (page 3, paragraph 24) and one of the plurality of devices (page 2, paragraphs 14-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wilser whose telephone number is (571) 270-1689. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST (Alt Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MPW
April 12, 2007


James Myhre
Supervisory Patent Examiner